

AMENDMENTS IN THE DRAWINGS

Please see the attached amended Figures 3A-7.

REMARKS

This amendment is submitted in response to the Examiner's Action dated October 7, 2005. Claims 1-18 have been amended herein and are currently pending.

OBJECTIONS TO THE DRAWINGS

Reference item 2.1 on page 2 of the Office Action asserts that **FIGS. 3A-7** and **8C-14C** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Please find attached herewith proposed amendments to **FIGS. 3A-7** properly labeled "Prior Art." **FIGS. 8C-14C** have not been so amended since the subject matter depicted therein is in fact not prior art with respect to the subject matter contained in the present application.

Reference item 2.2 on page 2 of the Office Action correctly notes that **FIG. 16D** is described in the text but not included among the figures. The specification has been amended to correct the previous references from **FIGS. 16B-16D** to **FIGS. 16A-16C** to remove the erroneous references to **FIG. 16D**.

Applicants appreciate the Examiner's careful review and feedback relating to the examination and condition of the present application.

CLAIMS OBJECTIONS

Reference item 3 on pages 2-3 of Office Action asserts objections to claims 6, 12, and 18 which have been corrected by amendment herein.

DOUBLE PATENTING

At reference item 10 on page 4 of the present Office Action, claims 1, 7, and 13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 8, and 14 of copending Application No. 09/997,845. Applicants submit herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). This filing overcomes the double patenting rejection and places the claims in condition for allowance.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 112

At reference item 4 on page 3 of the Office Action, Claims 4, 10, and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 4, 10, and 16 have been

amended to replace “said locally recorded harvest event” with “a locally recorded harvest event” to remove the correctly noted antecedent basis problem.

CLAIM REJECTIONS UNDER 35 U.S.C. § 101

In the present Office Action, Claims 13-18 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. Claims 13-18 have been amended to now recite “a computer-readable medium having encoded thereon computer-executable instructions” which Applicants contend is a proper subject matter under 35 U.S.C. 101.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,195,627 B1, issued to Bargh, et al. (hereinafter *Bargh*) in view of IBM Technical Disclosure Bulletin, “Automated Pervasive Device Testing Tool” (hereinafter IBM TDB). Applicants respectfully traverse the foregoing rejections for the following reasons.

The combination of *Bargh* and IBM TDB does not disclose a method for minimizing redundancy in harvest event collection including the steps recited in claims 1, 7, and 13. Specifically, and regarding the grounds for rejecting independent claims 1, 7, and 13, reference item 15 on pages 6-7 of the Office Action asserts that *Bargh* discloses a method for minimizing redundancy in collected harvest event testcases from a batch simulation farm which includes a harvest testcase server that collects simulation data for a simulation model. Applicants disagree. The description of Applicants’ proposed invention relating to simulation batch farms begins in the present application on **FIG. 16** and describes the claimed harvest event collection technique in detail with reference to **FIGS. 22A-22C**. *Bargh* includes most of the disclosure contained in the present application only up to FIG. 6B and contains no disclosure relating to simulation batch farms or any technique for harvest event collection.

Continuing with the grounds for rejecting the independent claims, Applicants further disagree with the assertion in reference item 15-1 on page 6 of the Office Action that *Bargh* discloses “responsive to said testcase triggering a harvest event, comparing said harvest event with a list of harvest events that have previously been triggered within said simulation model.” Col. 14, lines 31-37, referring to **FIG. 4B** (the same **FIG. 4B** in both *Bargh* and the present application), describes a set of counters **422** and associated flags **423** that are cooperatively

utilized to record the point in time that a harvest event occurred and that fact that it occurred. Nothing in *Bargh* or in the combination of *Bargh* and IBM TBD disclose making any kind of comparison of a particular harvest event with a list of previously occurring harvest events. Furthermore, while agreeing that IBM TBD relates generally to test execution and collection of results in test buckets, Applicants are unable to find any disclosure in IBM TBD that is the same or functionally analogous to a step of responsive to determining that said harvest event has not been previously triggered within said simulation model, delivering said testcase to said harvest testcase server.

The foregoing traversals notwithstanding, independent claims 1, 7, and 13 have been amended to more clearly characterize and distinguish Applicants' proposed invention from the prior art. Specifically, claim 1 (and similarly claims 7 and 13) now recites a method for minimizing redundancy harvest event testcase collection including steps of "identifying harvest events triggered during said testcase execution" and "comparing said identified harvest events with a list of harvest events that have previously been triggered within said simulation model to determine whether previous occurrences of the identified harvest events have been recorded in association with the simulation model." Since nothing in the combination of *Bargh* and IBM TBD discloses or suggests a harvest event collection technique that includes the foregoing steps, it follows that claims 1, 7, 13, and all claims depending therefrom are patentably distinct with respect to these references as well as all other prior art known to Applicants.

CONCLUSION

Applicants have diligently responded to the Office Action by filing herewith a terminal disclaimer to overcome the provisional double patenting rejections and amending the claims to overcome claim objections and clarify features within specific claims. Believing the foregoing objections and rejections overcome, Applicants respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants invite the Examiner to contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew W. Baca', written over a horizontal line.

Matthew W. Baca

Reg. No. 42,277

Dillon & Yudell LLP

8911 North Capital of Texas Highway

Suite 2110

Austin, Texas 78759

512.343.6116

ATTORNEY FOR APPLICANT(S)